

Remarks

Claims 1, 5 and 7-12 are currently pending.

Claims 1-7, 10 and 11 have been rejected.

Claim 1 has been amended to further distinguish Applicants claimed invention by including the limitations of claims 3 and 8.

35 U.S.C. § 103(a)

The Examiner rejected claims 1-7, 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Eichorn et al. (WO 03/080739) and as being unpatentable over Hoyer et al. (US 4,622,390) in view of Tzikas (WO 00/06652). Applicants traverse these rejections for the following reasons.

As amended, claim 1 is directed to a dye mixture containing dyes of the formulae (1) and (2aa). As noted in the present specification at page 16, lines 22-23, the claimed dye mixture has a surprisingly high fibre-dye binding stability in the acidic range.

To further demonstrate this effect, Applicants refer the Examiner to the Declaration of Roentgen submitted in the prior response which compares a dye mixture taught in Eichorn et al. with a dye mixture commensurate in scope with the present set of claims.

In particular, the dye mixture of Example 676 in Eichorn et al., which Applicants consider as being closest to the subject matter of the present invention, was compared against a dye mixture according to the present invention. Both dye mixtures contained dye (II-1) having a structure embraced under formula (1) in claim 1. Eichorn et al.'s dye mixture further contained a di-halogenated triazine containing-dye (I-20) dye which has a slightly different chemical structure than dye (201) which has a structure embraced under

formula (2aa) of claim 1. While both dye mixtures demonstrated the same results with respect to wash fastness and peroxide wash fastness, the dye mixture according to the present invention demonstrated a superior fastness to acid hydrolysis as compared to Eichorn et al.'s dye mixture.

Furthermore, as the Examiner notes, Hoyer and Tzikas et al.'s teachings are directed to individual dyes but neither teach or suggest a dye mixture as presently claimed. Thus, one of ordinary skill in the art, when reading Hoyer and Tzikas et al., would not reasonably expect the dye mixture of the present invention to exhibit this enhanced property. Therefore, Applicants respectfully request the rejections under § 103(a) be withdrawn.

Conclusion

Should any fee be due in connection with the filing of this document, the Commissioner for Patents is hereby authorized to deduct said fee from Huntsman Corporation Deposit Account No. 08-3442.

Respectfully Submitted,

Robert Holthus

Robert Holthus
Reg. No. 50,347
Attorney for Applicants

Date: 4/16/09

Huntsman Corporation
10003 Woodloch Forest Drive
The Woodlands, Texas 77381
(281) 719-4553